



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

FEB 24 2004

REPLY TO THE ATTENTION OF

AE-17J

Donald Brisch, President
Rockwell Lime Company
4110 Rockwood Road
Manitowoc, WI 54220-9619

Dear Mr. Brisch:

This letter is a follow-up to our January 14, 2004 meeting at which representatives of United States Environmental Protection Agency (U.S. EPA) and Rockwell Lime Company discussed the Notice of Violation U.S. EPA issued to Rockwell Lime on November 25, 2003.

At that meeting, one of the issues discussed was the basis for U.S. EPA's finding that Rockwell Lime had exceeded its permit limit of 147 pounds of sulfur per hour at Lime Kiln #2. According to the company, it has been calculating this number assuming that all moisture evaporates from the coal/petroleum coke (petcoke) prior to its combustion. It performs this calculation by subtracting the percent moisture from the sulfur weight percent¹. Based on our understanding of the plant's operations and the characteristics of coal/petcoke, we do not believe that Rockwell Lime has made a technically supportable assumption. In addition, we believe that the procedures utilized by Rockwell Lime to determine the coal/petcoke moisture content are not necessarily representative.

It is our position, based on a clear reading of the existing permit ("combustion of a fuel blend with a sulfur content that may not exceed 2.1% sulfur), as reinforced by the language of Rockwell Lime's September 27, 1979 Prevention of Significant Deterioration (PSD) permit ("sulfur content of the coal to fire the kiln shall not exceed 2.1 %"), that the calculation must be performed using the characteristics of the coal "as fired." In this case, "as fired" would best be represented by the weight of coal/petcoke as measured by the facility, times the "as fired" sulfur content determined prior to combustion of the fuel, which has resulted in emissions in excess of 147 pounds sulfur/hour, as cited in our Notice of Violation.

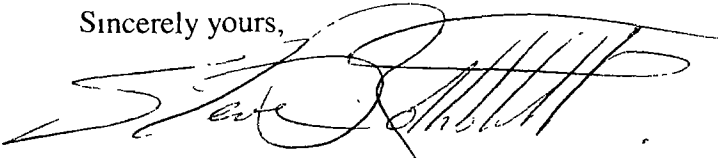
Finally, at the January meeting, the parties discussed sulfur dioxide requirements beyond the 147-

¹ The sulfur content is determined using an ASTM method; the sample is taken past the coal mill, but prior to the lime kiln combustion chamber. The moisture content is determined by using an procedure equivalent to an ASTM method. The sample is taken at the stockpile, prior to any grinding or uniformity of the fuel, and dried to determine the weight difference or, in this case, the percent moisture in the sample.

pound provision in the permits issued by the State of Wisconsin. As noted then, we believe that this requirement was based solely upon U.S. EPA's September 27, 1979 PSD permit, which contained a 2.1% limit in the sulfur content of coal. Our position is supported by U.S. EPA's January 13, 1995 letter to the Wisconsin Department of Natural Resources, in which our approval of the State's permit was based on the assumption that the company was continuing "to show compliance with the SO₂ BACT limit of 2.1% sulfur." Thus, the 147-pound sulfur limit cannot reasonably be considered a surrogate for the 2.1% sulfur limit, but rather an end result of using this 2.1% sulfur limit. As a result of this analysis, we believe that Rockwell Lime is in violation of the 2.1% sulfur limit, as well as the limit of 147 pounds of sulfur per hour.

If you have any questions on the above, please call Constantine Loukeris, of my staff, at (312) 886-6198. You may direct questions of a legal nature to Louise Gross, an attorney in the Office of Regional Counsel, at (312) 886-6844.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Stephen Rothblatt", with a large, stylized flourish extending from the end of the signature.

Stephen Rothblatt, Director
Air and Radiation Division

cc: William Baumann
Wisconsin Department of Natural Resources

Linda H. Bochert
Michael, Best & Friedrich